

Franchise and Concession Review Committee Public Hearing
September 11, 2017

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PUBLIC HEARING
FRANCHISE and CONCESSION REVIEW COMMITTEE

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22 Reade Street
Spector Hall,
New York, New York

Monday September 11, 2017
2:50 p.m.

Franchise and Concession Review Committee Public Hearing
September 11, 2017

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APPEARNCES:

Mayor:
Peter Hatch

Clerk:
Stephanie Ruiz

Office of the Mayor:
Benjamin Furnas

Corporation Counsel:
Sharon Cantor

Office of Management and Budget:
Yvonne Quintian

Comptroller:
Jennifer Conovitz

Borough President of Brooklyn:
Tonya Cantlo-Cockfield

Borough President of Manhattan:
James Caras

Borough President of Queens:
Angelina Martinez-Rubio

Borough President of Staten Island:
Lashay Young

Department of Parks and Recreation:
Phillip Abramson
Sherri Rosenberg

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MR. HATCH: Good afternoon. The public hearing will now come to order.

Will the Clerk please call the role?

THE CLERK: Mayor.

MR. HATCH: Here.

THE CLERK: Office of the Mayor.

MR. FURNAS: Here.

THE CLERK: Comptroller.

MS. CONOVITZ: Here.

THE CLERK: Corporation Counsel.

MS. CANTOR: Here.

THE CLERK: Office of Management Budget.

MS. QUINTIAN: Here.

THE CLERK: President, Borough of the Bronx.

(No Response)

THE CLERK: President, Borough of Brooklyn.

MS. CANTLO-COCKFIELD: Here.

THE CLERK: President, Borough of Manhattan.

MR. CARAS: Here.

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THE CLERK: President, Borough of Queens.

MS. MARTINEZ-RUBIO: Here.

THE CLERK: President, Borough of Staten Island.

MS. YOUNG: Here.

MR. HATCH: Welcome to this public hearing of the Franchise and Concession Review Committee.

The hearing being conducted today has been publicly advertised in accordance with the New York City Charter and Concession Rules of the City of New York.

We want to be sure that anyone desiring to be heard has an opportunity to do so. All persons wishing to speak must fill out a request slip which may be obtained from the Clerk.

Each speaker will be allotted approximately three minutes. When you testify, please state your name and affiliation, if any.

MR. HATCH: Will the Clerk please

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call the first calendar item?

THE CLERK: New York City Department of Parks and Recreation, Calendar Item number 1; in the matter of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure pursuant to Section 1-16 of the Concession Rules of the City of New York to authorize the Department of Parks and Recreation to enter into a Sole Source License Agreement with the 34th Street Partnership, Inc. for the operation and maintenance of Herald and Greeley Squares in Manhattan.

MR. HATCH: We'll take public testimony, but first, I'd like to ask any committee members if anyone would like to make a statement or ask a question.

MS. CONOVITZ: Yes, I have some questions. The first question is whether or not the Parks Department could explain whether the concession revenue -- why the concession revenue is

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being used for enhanced services, and whether any of these services should be covered under the Bid Agreement?

MR. ABRAMSON: Well, the Parks Agreement that is before you today calls for an enhanced supplement level of services that goes beyond what's required in the Bid Agreement with SBS.

For example, it calls for a level of maintenance and operations in programming for items such restrooms, monuments, as well as programming in the squares.

This is really supplementing the agreement that the bid has with the City.

MS. CONOVITZ: Thank you.

MR. CARAS: I guess, just to follow-up on that, is -- so is that supplementing funding for what would otherwise be a Parks obligation, or what would otherwise be a Bid obligation?

MS. ROSENBERG: When the original Bid Agreement was drafted 20 years ago,

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it wasn't contemplated that Herald or Greeley Squares would be part of the bids.

Now, that the Bid has taken over management, operation, and programming at the squares, and they have revenue-generating activity at the squares, the revenue generated from those activities gets plowed back into the operations, maintenance, and programming of the squares.

There is a degree of services that's provided throughout the bid. It could be sidewalk cleaning, trash removal, security; and those services are also provided for in -- at the squares. However, it's at an enhanced level.

They may use the same service provider in providing security services or trash pick-up, but the cost are allocated to the squares, and so it's supplemented. There's also monument -- cost of monument maintenance, restroom maintenance, and enhanced maintenance of

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the squares because there are food establishments there -- and so those are -- those services are enhanced and supplemented over and above what's provided in other areas surrounding it.

MS. CONOVITZ: Can Parks confirm that there is no overlap between the proposed Concession Agreement and the SBS Bid Contract, and the DOT Concession Agreement at this time?

MS. ROSENBERG: There's no -- I'm not familiar -- off the top of my head -- with what the DOT Concession Agreement provides for, but the agencies are under -- it's different jurisdictions -- and in the past, while we coordinate with DOT, there's really been no overlap with the DOT Concession Agreement.

And with regard to overlap, we're not exactly clear what you mean, but with SBS, we consider the agreement with Parks to provide supplemental and enhanced programming, operations, and

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maintenance at those squares.

MS. CONOVITZ: So these here are not services that are being articulated in other contracts? They're supplemental and additional; they're not the same under two different contracts?

MS. ROSENBERG: Well, to the extent there's garbage pick-up or security, there's going to be garbage and security throughout the Bid -- sidewalk cleaning at the squares -- but it's going to be enhanced and supplemental.

MS. CONOVITZ: Okay. Thank you.

Without a budget for the first year of the Agreement, does Parks know what amount is necessary to address maintenance and programming?

MR. ABRAMSON: Well, we know what the Partnership has spent in prior years. We have, through their income and expense statements, details on their expenses at the squares for the last two licensed services, and we believe that we're working on providing -- setting a

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2 budget to move forward for the first
3 year of this coming Agreement.

4 MS. CONOVITZ: And if in some years
5 the license operates -- the licensee
6 rather -- operates at a deficit, and
7 other years it doesn't, do you believe
8 it's important to have more frequent
9 reporting intervals, especially where
10 Parks is considering proposing that the
11 licensee keep all the revenue generated
12 from the concession operations?

13 MR. ABRAMSON: Well, the revenues of
14 -- whether there's a profit or loss --
15 have fluctuated. Most of the time the
16 operations have been at a loss, and
17 there has not been excess revenue.

18 But we felt that due to the City's
19 close working relationship with the Bid,
20 and their presence in the area for more
21 than 20 years, we have a strong working
22 relationship with them. We didn't feel
23 there was a need for increased reporting
24 requirements.

25 Given -- that said, if we wanted to

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2 see additional documentation or
3 paperwork, we can have that conversation
4 and request that.

5 MS. CONOVITZ: But you don't believe
6 it's important for contractual
7 management?

8 MR. ABRAMSON: In the contract and
9 negotiation, it's put in how often
10 reporting is required, and we believe
11 that's sufficient based on our
12 relationship and history with the
13 organization.

14 MS. CONOVITZ: Thank you.

15 Can you clarify whether the
16 Partnership actually operated at a
17 surplus for FY 2015?

18 MR. ABRAMSON: At the license
19 premises there was, I believe, a
20 surplus, yes -- in FY 2015. That was
21 the only year there was a surplus in the
22 last five fiscal years that we have data
23 for.

24 MS. CONOVITZ: Thank you.

25 And do you know why there was only a

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\$10,000 deficit in FY '16, and what changed in the operations that reduced the amount so substantially?

MR. ABRAMSON: The numbers fluctuate year to year. We can get back to you with more specifics if you want.

MS. ROSENBERG: Typically, the fluctuation is caused by more special event activities at the locations.

MR. ABRAMSON: Yeah, there were fewer special events revenue in 2016 than 2015. So that may have had something to do with it.

MS. CONOVITZ: Thank you.

And do you know when you will have the revenue figures for FY 2017?

MR. ABRAMSON: I'm sorry?

MS. CONOVITZ: Do you know when you'll have the revenue figures for FY 2017?

MR. ABRAMSON: Oh, I believe they're required to report that data 120 days after the end of the fiscal year. So, I believe, it's due a couple of months

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from now. I think the Partnership is working on it.

MS. CONOVITZ: And then when will the Partnership have the Parks Operations Budget and Capital Budget ready? I mean -- excuse me -- the proposed Operations and Capital Budget ready?

MS. ROSENBERG: They're currently working on the numbers, and they'll provide them to us.

MS. CONOVITZ: Okay. Thank you. We may have some additional questions with respect to some clarifications or some documents we'd like to see, and we'll get back to you on that.

MR. ABRAMSON: Okay. Thank you.

MS. CONOVITZ: You've been very helpful beforehand.

MR. HATCH: Are there any other members who have a question?

MR. CARAS: The ability to apply \$100,000 to the plantings, was that in

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2 the existing Contract?

3 MS. ROSENBERG: That's not in the
4 1997 Agreement; it's in the 2017
5 Agreement.

6 MR. CARAS: It's not in the current
7 Contract, but it will be?

8 MS. ROSENBERG: It will be included.

9 MR. CARAS: Okay.

10 MS. ROSENBERG: And the monies would
11 go to horticulture on properties under
12 Parks jurisdiction within the Bid --
13 street trees, if it's a green street --
14 but it will be properties under Parks
15 jurisdiction.

16 MR. CARAS: Do other bids generally
17 pay for that out of Bid Assessments?

18 MS. ROSENBERG: I'm not too familiar
19 with what the other bids do. I'm sorry.
20 But we can certainly research that and
21 get back to you.

22 MR. CARAS: Okay. Thanks.

23 MR. HATCH: Any other questions?

24 MS. MARTINEZ-RUBIO: Just a quick
25 question, out of curiosity; do the

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enhanced services include snow removal in any of them or no?

MS. ROSENBERG: Snow removal is included in the 2017 Agreement, yes. It's a thoroughfare, so -- there's a subway station -- so the snow removal services are important.

MS. MARTINEZ-RUBIO: Thank you.

MR. HATCH: Does anyone else wish to testify?

(No response.)

MR. HATCH: If no one else wishes to speak, that concludes today's hearing.

We ask that the reporter make the entire Public Hearing Agenda, which was made publically available and distributed at this hearing, part of the final record of the proceeding.

The hearing is now closed. Thank you.

(Time noted: 3:01 p.m.)

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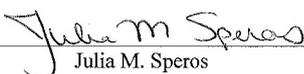
CERTIFICATION

I, JULIA M. SPEROS, a Notary Public for and within the State of New York, do hereby certify:

That the witness whose testimony as herein set forth, was duly sworn by me; and that the within transcript is a true record of the testimony given by said witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of September, 2017.



Julia M. Speros

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PUBLIC HEARING

FRANCHISE AND CONCESSION REVIEW COMMITTEE

MONDAY, SEPTEMBER 11, 2017 @ 2:30 P.M.

22 READE STREET, NEW YORK, NY

NOTE: INDIVIDUALS REQUESTING SIGN LANGUAGE INTERPRETERS SHOULD CONTACT THE MAYOR'S OFFICE OF CONTRACT SERVICES, 253 BROADWAY, 9TH FL., NEW YORK, NEW YORK, N.Y. 10007 (212) 788-7490, NO LATER THAN SEVEN (7) BUSINESS DAYS PRIOR TO THE PUBLIC HEARING. TDD USERS SHOULD CALL VERIZON RELAY SERVICE.

*Franchise and Concession Review Committee Joint Public Hearing
Monday, September 11, 2017 @ 2:30 P.M.*

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

No. 1: **IN THE MATTER** of the intent to seek Franchise and Concession Review Committee approval to utilize a different procedure, pursuant to Section 1-16 of the Concession Rules of the City of New York, to enter into a Sole Source License Agreement (“Agreement”) with the 34th Street Partnership, Inc. (“the Partnership”) for the operation and maintenance of Herald and Greeley Squares in Manhattan (“Licensed Premises”), including the operation of food concessions, temporary markets, and special events, and the placement of advertising. The Partnership shall operate and maintain the Licensed Premises for the use and enjoyment of the general public in accordance with the terms of the Agreement and to the reasonable satisfaction of the Commissioner. All gross receipts received by the Partnership will be used exclusively to pay all costs incurred by the Partnership in operating, repairing, maintaining, and managing the Licensed Premises, and in performing the Partnership’s obligations and providing services required or permitted by the Agreement. If the gross receipts received by the Partnership exceed such costs, the Partnership may also apply such excess up to \$100,000 each Fiscal Year to BID Horticulture, i.e. Parks-approved street tree planting and maintenance of trees on property under Parks’ jurisdiction within the 34th Street Business Improvement District, and flower planting and maintenance on such property. The term of this Agreement shall be ten (10) years with up to two (2) five (5) year renewal options, by mutual agreement, and shall commence on Parks’ giving written notice to proceed to the Partnership.